

CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTIONS 818.01 – 818.02

Amended July 18, 2006

818. TANK VESSEL CONTINGENCY PLANS

818.01 APPLICABILITY

(a) Plans

Unless tank vessels are exempt as provided in Subsection (b) below, oil spill contingency plans shall be prepared, submitted and used pursuant to the requirements of this section by all ~~tankers and barges~~ tank vessels which transit in the marine waters (as defined in Section 815.05 of this subchapter) of California, or conduct business in the state. Business in the state would include such transactions as lightering operations off the coast of California.

(b) Exemptions

(1) This subchapter shall not apply to a ~~tanker or barge~~ tank vessel that enters the marine waters of the state because of imminent danger to the crew, or in an effort to prevent an oil spill or other harm to public safety or the environment. This exemption applies if the following are met:

(A) the operator and crew comply with all orders given by the Administrator or his/her designee, unless the orders are contradicted by orders from the U.S. Coast Guard;

(B) except for fuel, oil may be transferred to or from the tank vessel only if permission is obtained from the Administrator and one of the following conditions is met:

1. the transfer is necessary for the safety of the crew; or
2. the transfer is necessary to prevent harm to public safety or the environment; or
3. a contingency plan is approved or made applicable to the tank vessel.

(C) the tank vessel shall leave the marine waters of the state as soon as it is safe to do so, unless a contingency plan is approved or made applicable to its operation.

(2) Operation Without a Plan

~~(A) For the purposes of this subsection, 818.01(b)(2) only, "tanker" is defined as a tanker or barge that will be used by other vessels for bunkering and/or lightering operations.~~

~~(BA)~~ A tank vessel may enter marine waters without an approved contingency plan if the Administrator approves entrance under the plan of the terminal or tanker that is the destination of the tank vessel. The Administrator's approval can be communicated by telephone or facsimile and is subject to the following:

1. the operator of the terminal or tanker provides the Administrator with advance written assurance that the operator assumes full responsibility for the tank vessel while it is traveling to or from the terminal or tanker. Such assurance may be

delivered by hand, by mail or by facsimile. If delivered by facsimile the original must follow;

2. the contingency plan includes all conditions pertinent to a tank vessel;
3. the tank vessel meets all the requirements of the terminal or tanker's contingency plan; and,
4. the tank vessel has not made a similar entrance into marine waters in the preceding 12 month period.

(~~CB~~) A tank vessel in marine waters pursuant to Subsection 818.01(b)(2) shall be operated in accordance with the tank vessel's operations manual. In the event of an oil spill, the tank vessel operator shall comply with the directions of the Administrator and the applicable contingency plan of the terminal or tanker.

(3) Response Vessels

Contingency plans are not required for dedicated response vessels, which are those vessels that are dedicated to conducting response activities for an oil spill incident exclusively.

(4) Innocent Passage

Contingency plans are not required for vessels engaged in innocent passage (as defined in Section 815.05 of this subchapter) within the marine waters of California.

Note: Authority cited: Section 8670.28, Government Code. Reference: Sections 8670.30, 8670.33, and 8670.34, Government Code.

818.02 TANK VESSEL PLAN CONTENT (EXCEPT FOR THOSE VESSELS CARRYING OIL AS SECONDARY CARGO ADDRESSED IN SECTION 818.03 OF THIS SUBCHAPTER)

To the degree the information required by Subsections 818.02(b) through (m) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material

- (1) Each plan shall provide the following information for each tank vessel covered by the plan:
 - (A) the tank vessel's name, country of registry, call sign, official identification number, and Lloyd's identification number;
 - (B) name, address, ~~and~~ phone number, fax number and e-mail address, of the owner and/or operator of the tank vessel(s). This information shall be referenced in the plan title or on a title page at the front of the plan;
 - (C) the name, address, ~~and~~ phone number, fax number and e-mail address, of the person to whom correspondence should be sent;

(D) the tank vessel's classification, hull type, gross registered tonnage (GRT), maximum cargo amounts, length, draft and beam;

(E) a certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan, who shall review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification shall be submitted according to the following format;

"I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."

(signature), (title), (date);

(F) ~~a copy of~~ the California Certificate of Financial Responsibility (COFR) number for the tank vessel(s) covered by the plan shall be included in the front of the plan, or for fleet plans shall be ~~indexed~~ listed separately in a subsection of the plan.

(2) Each plan shall identify a Qualified Individual, as defined in Chapter 1, Section 790 of this subdivision, and any alternates that may be necessary for the purpose of implementing the plan. If the plan holder contracts for this service, documentation that the Qualified Individual or company, and any identified alternates, acknowledge this capacity shall be included in the plan. If an alternate or alternates are identified in the plan, then the plan shall also describe the process by which responsibility will be transferred from the Qualified Individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan shall provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder. If the plan holder contracts for this service, documentation that the agent for services of process acknowledges this capacity shall be included in the plan. Such agent shall be located in California.

(4) Each plan shall identify a Spill Management Team (as defined in Section 815.05(q) of this subchapter). If the plan holder contracts for this service, documentation that the Spill Management Team acknowledges this capacity shall be included in the plan.

(4~~5~~) Each plan shall contain a copy of the contract or other approved means (as defined in Section 815.05(b) of this subchapter), verifying that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill. This requirement can be met by a copy of the basic written agreement with an abstract of the recovery and/or clean-up capacities covered by the contract. Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(b) Tank Vessel Description

- (1) Each plan shall describe the tank vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the marine waters of California. This description shall include, at a minimum, the following information:
- (A) a piping and tank diagram including the location of valves, vents and lines; the age, design, and construction of the tank vessel; the range of oil products normally carried in each structure; and safety equipment;
- (B) a description of the types, physical properties, health and safety hazards and maximum storage or handling capacity of the oil or product carried. A material safety data sheet (MSDS) or equivalent will meet ~~this~~ some of these requirements and can be maintained separately aboard the tank vessel providing the plan identifies its location.

(c) Prevention Measures

- (1) Each plan holder shall take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of collisions, groundings, explosions or operator error during the operation of the tank vessel. These prevention measures shall include, but not be limited to, the following:
- (A) documented safe practices in ship operations and a safe working environment;
- (B) safeguards against all identified risks and hazards;
- (C) properly documented and updated procedures related to safety and pollution prevention;
- (D) ensuring personnel are qualified, medically fit and hold proper licenses;
- (E) ensuring personnel know how to operate emergency equipment;
- (F) ensuring personnel are trained in emergency preparedness (e.g., fire and boat drills, oil spill response, etc.);
- (G) appropriate system monitoring duties are performed;
- (H) proper preventative maintenance, inspection and testing of equipment or systems, the failure of which could result in a hazardous situation. This includes, but is not limited to, emergency equipment, cargo system integrity, alarms and emergency shutdowns, oil transfer system integrity, oily water separator, etc.;
- (I) internal and external audits to verify compliance of actual practice with documented systems, and to assure continuous review and improvement of safety and pollution prevention systems and processes.
- (2) Submitting the following documents as appropriate, and maintaining compliance with the state requirements cited in (c)(1)(C) above, will be considered a demonstration of compliance with this subsection (c): ~~Each plan shall include a~~

~~summary of the policies, programs, guidelines and/or procedures designed to implement the following:~~

(A) The owner/operator of a U.S. flag tank vessel shall submit a valid Certificate of Inspection (COI) issued by the U. S. Coast Guard. The owner/operator of a foreign flag tank vessel shall submit valid certificates issued by a member of the International Association of Classification Societies certified by the International Maritime Organization (IMO) of the most recent vessel inspection.

(B) The owner/operator shall also submit a valid Safety Management Certificate (SMC) for each vessel covered by the plan, as well as a Document of Compliance (DOC) to demonstrate compliance with the performance elements in the International Safety Management (ISM) Code subject to IMO Resolution A.741(18), or shall submit proof of compliance with the American Waterways Operators (AWO) Responsible Carrier Program, if applicable.

~~(A) methods to reduce spills during transfer and storage operations, including overfill prevention measures, and immediate spill containment provision. Any information developed in compliance with Title 33 CFR, Parts 154 and 156 may be substituted for all or part of any comparable prevention measures required by this subsection;~~

~~(B) procedures to assure clear communication among all the parties involved during transfer operations;~~

~~(C) use of vessel traffic service systems where available;~~

~~(D) procedures to be used to avoid the known navigational hazards;~~

~~(E)~~ (C) Where a plan holder's tank vessel is engaged in transfer operations at a facility subject to Public Resources Code 8755, and the plan holder is in compliance with State Lands Commission regulations for oil transfer operations, the plan holder shall be considered in compliance with the provisions of this subsection rules, regulations and guidelines for preventions of oil spills at marine terminals.

~~(F) The plan holder shall provide additional relevant information to the Administrator upon request.~~

~~(2) Each plan shall also provide a summary of those prevention measures, or operational policies, guidelines and procedures which are currently in place to meet the requirements of other International, Federal, State or local agencies. Each plan shall also summarize any other prevention measures being utilized by vessel personnel. The list of existing prevention measures shall include, but not be limited to, the following:~~

~~(A) a description of any "risk reduction incentive programs". A risk reduction incentive program is one designed to reduce factors leading to technical and human error, such as programs that reward accident-free~~

~~periods in the workplace;~~

~~(B) — a description of leak detection and spill prevention safety and alarm systems, devices, equipment or procedures;~~

~~(C) — a description of automatic controls that can be operated remotely or pre-programmed to control normal processes, safety shutdown and emergency shutdown;~~

~~(D) — a description of the alcohol and drug testing programs for key personnel;~~

~~(E) — those measures implemented in compliance with regulations adopted by the State Lands Commission under Public Resources Code 8755 governing operations of a vessel while at a marine terminal;~~

~~(F) — any additional prevention measures taken or contemplated to minimize the possibility of oil spills;~~

~~(G) — a description of any security measures.~~

~~(H) — The plan holder shall provide additional relevant information to the Administrator upon request.~~

~~(3) At the time the initial contingency plan is submitted, the owner/operator shall either submit a Certificate Of Inspection (COI) issued by the USCG, or a certificate issued by a member of the International Association of Classification Societies certified by the International Maritime Organization (IMO) of the most recent vessel inspection, or verify that the vessel has such a certificate and that the certificate is available for review.~~

~~(4) The owner/operator shall also submit a Safety Management Certificate to demonstrate compliance with the performance elements in the International Safety Management (ISM) Code subject to IMO Resolution A.741(18), or shall submit proof of compliance with the American Waterways Operators (AWO) Responsible Carrier Program, if applicable.~~

(d) Planning for the Location of Response Resources

The owner/operator must be prepared to respond to a spill anywhere within the marine waters of California where the tank vessel transits. To determine the regions in which response equipment and personnel must be available, the owner/operator shall include in the plan a description of the vessel's normal routes of travel including a list of each of the six Geographic Regions that the vessel transits along these routes it is first necessary to determine those areas of likely spill impact, as follows; OSPR has developed Shoreline Protection Tables (SP Tables dated July 17, 2006, incorporated by reference herein and posted on OSPR's website) for vessel traffic in California's marine waters. Owners/operators shall meet the response resource and time frame requirements from the appropriate SP Tables when contracting for shoreline protection services.

~~(1) Navigational Hazard Analysis~~

~~Each plan holder must conduct a Navigational Hazard Analysis for those areas the vessel transits within the marine waters of California. (Note: where maps/diagrams are required~~

they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF).) Such an analysis shall include the following:

- (A) a description of the vessel's normal routes of travel including a list of each of the six Geographic Regions that the vessel transits along these routes;
- (B) an analysis of the navigational hazards along the vessel's normal routes of travel. This analysis shall be specific to each of the six Geographic Regions, where applicable. The plan shall include a summary of the results of this analysis which shall include the following:
 - 1. a list of those hazards identified such as bars, off shore structures, harbor entrances, areas of significant traffic congestion, hazards specific to the regular ports of call, and hazards associated with principal transfer operations;
 - 2. a review, based on proximity to shore and the availability of stand by towing and/or other support capability, of those situations where a loss of power, navigational ability or other significant incidents may result in groundings, collisions, strandings, or explosions.
- (C) Each plan shall provide historical information on significant spills from the vessel including the vessel while operated under different names by the current owner, and to the extent known, by prior owners and under different names. As used in this section, a significant spill is one which had an impact on the marine waters of the state, or caused the physical layout of the vessel or the vessel's operations procedures to be modified. This information shall include:
 - 1. a written description of the spill event(s);
 - 2. the cause of any historical spill, including operator error, or a failure analysis of the system or subsystem in which the failure occurred;
 - 3. a brief summary of the impact of the spill(s);
 - 4. a description of the corrective actions taken in response to any and all spills included in the historical data.

(2) ~~Environmental Consequence Analysis~~

- (A) For the significant hazards identified in the Navigational Hazard Analysis, the vessel shall conduct a trajectory analysis to determine the environmental consequences of an oil spill. This analysis shall apply to the reasonable worst case spill volume and shall assume pessimistic water and air dispersion and other adverse environmental conditions. This analysis is intended to be used as the basis for determining those areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF).) The analysis shall include at least the following:

1. ~~a trajectory to determine the potential direction, rate of flow and time of travel of the reasonable worst case oil spill from the vessel to the shorelines, including shallow water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, shall be sufficient;~~
2. ~~for each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the discharge, based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.~~

~~(3) Resources at Risk from Oil Spills~~

~~Based on the trajectory of the spilled oil, as determined in the Environmental Consequence Analysis, each plan shall identify the environmentally, economically and culturally sensitive areas that may be impacted. Each plan shall identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the U.S. Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. (Note: where maps/diagrams are required they may be submitted (in addition to the original hard copy) on electronic media, in Portable Document Format (PDF).)~~

~~(A) The map of environmentally sensitive areas shall include:~~

1. ~~shoreline types and associated marine resources;~~
2. ~~the presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;~~
3. ~~the presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;~~
4. ~~the presence of natural terrestrial animal and plant resources in marine associated environments;~~
5. ~~the presence of state or federally listed rare, threatened or endangered species; and~~
6. ~~the presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.~~

~~(B) The map of the locations of economically and culturally sensitive areas shall indicate:~~

1. ~~public beaches, parks, marinas, boat ramps and diving areas;~~
2. ~~industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;~~
3. ~~intertidal and subtidal drilling leases;~~

4. ~~known historical and archaeological sites. If a plan holder has access to any confidential archaeological information, it must be submitted as a separate item and will be handled as confidential information as outlined in Subsection 816.01(d);~~

5. ~~areas of cultural or economic significance to Native Americans; and~~

6. ~~major waterways and vessel traffic routes that are likely to be impacted.~~

(e) ~~On-Water Containment Booming~~ and ~~On-Water~~ Recovery

Each plan holder must provide a contract or other approved means for the ~~on-water~~ containment ~~booming~~ and ~~on-water~~ recovery response resources up to their Response Planning Volume for ~~of~~ all potential spills from the ~~tank~~ vessel that could reasonably be expected to impact the marine waters of California. ~~Additionally, each~~ Each plan must also demonstrate response ~~capability~~ resources sufficient to address potential spills in each Geographic Response Plan Area (GRA) if available, or Geographic Region through which the ~~tank~~ vessel may transits. (GRA's are geographic subdivisions of ACP areas). To determine the amount of response resources for containment ~~booming~~ and ~~on-water~~ recovery ~~capability that must be available~~, each ~~vessel~~ plan holder must calculate a Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the Response Planning Volume, it is first necessary to determine the reasonable worst case spill for each ~~tank~~ vessel. The reasonable worst case spill is calculated as 25% of the ~~tank~~ vessel's total cargo capacity.

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that ~~each tank vessel carries over the marine waters of California may be spilled~~. The persistence factors ~~relative to the type of oil spilled~~, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
On-Water Volumes Persistence Multiplier	.20	.50	.50	.50

(B) Emulsification Factors:

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification Multiplier	1.0	1.8	2.0	1.4

(C) Response Planning Volume

The total determined by this calculation is a Response Planning Volume.

1. The Response Planning Volumes to be used to determine the amount of equipment and services ~~required~~ that must be under contract or other approved means, shall be the greater of the amount necessary to address the Response Planning Volume as calculated in Subsections 818.02(e)(1) - (2) or the Planning Volume for On-water Recovery for Inland/Nearshore Environment calculated for the vessel's federal response plan prepared pursuant to 33 CFR, Part 155, Appendix B. The Planning Volume for On-water Recovery is the Adjusted Volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors;
2. the calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Response Capability Standards

The equipment and personnel necessary to address the Response Planning Volume is brought to the scene of the spill over a period of time. The timeframes are dependent upon the GRA or Geographic Region risk zone in which the tank vessel transits ~~is located~~ and is specified in the tables in this subsection.

The standards set forth in this section are only planning standards and may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract or other approved means. Response resources ~~Equipment~~ in addition to those ~~that~~ under contract must be identified and a call-out procedure in place to access this equipment if the tank vessel has a spill that exceeds ~~these~~ the Response Planning Volumes standards. The owner/operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning volume standards.

~~(A) Total Equipment Required~~

(A) On-Water Daily Recovery Rates and Containment Boom Amounts

1. The total amount of on-water ~~containment and~~ recovery equipment and services required shall be the lesser of the amount necessary to address the Daily Recovery Rates established in Subsection 818.02(e)(3)(B) below or the Response Planning Volume determined in Subsection 818.02(e)(2)(C).
2. The amount of response resources ~~equipment~~ and the timeframes for delivery are specified in Subsection 818.02(e)(3)(B)(4) below. The barrels per day capability figure is the total amount of on-water recovery equipment that must be at the scene of the spill at the hour specified which is measured from the time of notification, as described in this subchapter. All on-water recovery response resources shall ~~equipment must~~ be capable of being deployed and operable within one hour of arrival at the scene of the spill or drill but no later than the designated timeframe for each risk zone.
3. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant U.S. Coast Guard Area Contingency Plan), the plan shall provide for an adequate number of shallow-

draft vessels (as defined in Section 815.05 of this subchapter) to be owned or under contract or other approved means. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified.

34. The timeframes for equipment delivery and deployment as specified in this subsection do not take into account the time required to conduct a health and safety assessment of the site as set forth in Subsection 818.02(g)(9), and as required by the California Occupational and Safety Administration. In addition, these timeframes do not account for delays that may occur due to weather or seastate. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will take into account the prevailing conditions of weather and seastate, as well as the site assessment requirements.

(B) Daily Recovery Rate

1. Vessels that transit in High-Volume Ports.

DELIVERY TIME (HRS)	12	24	36	60
BBLS/DAY CAPABILITY	23,437	31,250	46,875	78,125

- i. Tank vessels that transit: 1) inward of the inland line of demarcation as described in 33 CFR, Section 80.1142 for San Francisco harbor, and 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751, shall have the initial 23,437 bbls/day on-water recovery capability at the scene of the spill within six hours.
- ii. in addition, at the facility/transfer points or during transfers at anchorage designations within the High Volume Ports, there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
- iii. if a facility/transfer point within a High Volume Port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

2. Vessels Operating in Facility/Transfer Areas or the Santa Barbara Channel Area.

DELIVERY TIME (HRS)	12	36	60
BBLS/DAY CAPABILITY	19,531	35,156	66,406

- i. in addition, at the facility/transfer points within the Facility/Transfer Areas and the Santa Barbara Channel Area there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
 - ii. if a facility/transfer point within a Facility/Transfer Area or the Santa Barbara Channel Area maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.
 - iii. for those points where transfers occur infrequently, and where there is not permanent equipment present, the 3,125 barrel/day, or 10% of the vessel's cargo capacity, whichever is less, on-water response capability shall be brought to the site at the time of transfer;
 - iv. for infrequent transfers of non-persistent oil, the initial response requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the transfer point, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.
3. Vessels that transit along the Balance of the Coast within California marine waters.

DELIVERY TIME (HRS)	18	36	60
BBLS/DAY CAPABILITY	15,625	31,250	62,500

- i. in addition, at the facility/transfer points or during transfers at anchorage designations within the Balance of the Coast there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;
 - ii. for infrequent transfers of non-persistent oil, the 3,125 barrel/day or 10% of the vessel's cargo capacity, whichever is less, on-water recovery capability requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the transfer point, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.
- (C) Sufficient containment equipment shall be brought to the scene of the spill to address the Daily Recovery Rates as designated in Subsection 818.02(e)(3)(B).

(D) The standards set forth in Subsection 818.02(e)(3)(~~BA~~)(4), were increased by a factor of 25% on July 1, 1997, and again on July 1, 2001. It was determined that this increase was feasible and necessary to meet the best achievable protection of the coast.

(E) The standards set forth in Subsection 818.02(e)(3)(~~BA~~)(4) will be reviewed by the Administrator to determine if increases to these amounts will be increased by a factor of 25% effective July 1, 2001 and again July 1, 2005 if it can be demonstrated that these increases are feasible and necessary in order to meet the best achievable protection of the coast. Prior to any such increase, the Administrator will conduct a review and hold a hearing as outlined below: The Administrator shall conduct a review and hold a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.

- ~~1. The Administrator shall conduct a review of the scheduled increase before the increase shall become effective. Results of this review shall be available in January of the year the increase would become effective.~~
- ~~2. Review of the standards shall include analysis of technological improvements, such as but not be limited to: equipment efficiency and design improvements; improved spill tracking capability; approved dispersants; bioremediation; and other prevention and response measures.~~
- ~~3. The Administrator shall conduct a public hearing prior to confirming the new standards to solicit input regarding the necessity of the proposed increase and any credits that may be allowed.~~

~~(F) Transfer Operations~~

~~Each plan holder shall own or have under contract the equipment, and shall have the personnel and procedures sufficient to contain a 50 barrel spill. These response resources shall be present on-site during all transfer operations and deployable immediately in the event of an oil spill. Response resources owned or under contract to the marine facility or vessel engaged in oil transfer operations may be used to meet this requirement.~~

~~(4) Non-Cascadable Equipment~~

~~Each plan shall nominate a certain amount of the recovery equipment identified in Subsection 818.02(e)(3) as non-cascadable, which may not be moved outside of the applicable risk zone. Non-cascadable equipment may not be moved in response to a spill outside of the risk zone without approval of the Administrator or the Federal On-Scene Coordinator (FOSC), through the Unified Command. During the Coastal Protection Review, the Administrator shall determine which among the nominated equipment shall be designated as non-cascadable equipment for the given risk zone. The final determination may not include equipment nominated from each plan. A contingency plan is not made invalid by the movement of non-cascadable equipment if such movement has been approved by the Administrator or the FOSC.~~

~~The amount of recovery equipment that is non-cascadable is dependent upon the risk zone in which the equipment is to be located. The total amount required will be the lesser~~

~~of the amount necessary to address the Response Planning Volume, or the amount specified as follows:~~

(4) Movement of Response Resources

There may be times when it is necessary to move response equipment from one risk zone to another in order to respond to a catastrophic oil spill. However, the Administrator needs to ensure that sufficient response resources are available to address a reasonable risk within each zone. Therefore, when equipment is needed from one risk zone which may impact the plan holder's on-water containment and recovery at the 6 hour level, the plan holder or OSRO shall make a request to the Administrator to temporarily reduce the Response Capability Standards set forth in (d)(3) above, before the equipment can be moved. The Administrator shall only grant such a request after determining that sufficient response resources are available to address a reasonable risk within the zone from where the response equipment is being considered for removal.

~~(A) High Volume Ports and the Santa Barbara Channel Area: 10,000 barrels per day of recovery capability that can be mobilized within two hours of notification and on-scene within 12 hours.~~

~~(B) Facility/Transfer Areas: 2,500 barrels per day of recovery capability that can be mobilized within two hours and on-scene within 12 hours.~~

(5) On-Water Response Equipment and Services

(A) Each plan shall demonstrate that the tank vessel owner/operator has under contract or other approved means (as defined in Section 815.05(b) of this subchapter), access to all necessary response resources equipment and services to comply with the Response Capability Standards for on-water containment booming and on-water recovery established pursuant to Subsection 818.02(e)(3). The amount of response equipment required will take into account the derated effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) of the equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant U.S. Coast Guard Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 815.05 of this subchapter) to be owned or under contract or other approved means and available to respond to provide shoreline protection of all sensitive sites identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. To the extent that the following information is provided by a Rated OSRO, evidence of a contract or other approved means with a Rated OSRO will suffice: ~~The following information must be provided:~~

1. the location, inventory and ownership of the equipment to be used to fulfill the response requirements of ~~these regulations~~ this subchapter;
2. a complete inventory of any nonmechanical response equipment and supplies, including the type and toxicity of each chemical agent, with procedures for storage and maintenance;

3. the manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment;
4. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;
5. the ~~derated~~ effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the ~~derated~~ effective daily recovery capacity for the skimming systems as a whole.
 - i. A request may be submitted to the Administrator to review the ~~derated~~ effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.
 - ii. The Administrator's decision regarding a change in the ~~derated~~ effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.
6. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels;
7. vessels of opportunity reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, inventory equipment, and train personnel;
- ~~8. pumping and transfer equipment for transferring oil from damaged structures, or from undamaged structures which might be at risk of discharging additional oil;~~
- ~~9~~8. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;
- ~~10. necessary equipment to address bunkering and lightering operations, including: fendering equipment; transfer hoses and connection equipment; portable pumps; and any ancillary equipment necessary to off load the vessel's largest cargo tank in 24 hours of continuous operation. These resources shall be capable of reaching the location in which the vessel operates within 12 hours;~~
- ~~11. a salvage company or program in each area of operation, with appropriate expertise and equipment that may be contracted at the time of a spill if such services become necessary.~~

~~This subsection (e)(5)(B)(11) shall remain in effect only until June 30, 2000, and as of that date is repealed, unless a later enacted regulatory action deletes or extends that date.~~

~~Note: See related Subsection (m) of this section.~~

- ~~12.~~ a procedure to call out private vessel firefighting capability that will respond to casualties in the area(s) in which the vessel will operate; and
- ~~139.~~ sufficient equipment to track the movement of discharged oil including aerial surveillance sufficient to direct skimming operations.
- ~~(C)~~ 10. Each plan shall describe the personnel available to respond to an oil spill , including:
- ~~1i.~~ a list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;
 - ~~2ii.~~ a match between personnel by job category, and the equipment proposed for use (including equipment appropriate for shallow-water environments), including the plan for mobilization of such personnel; and
 - ~~3iii.~~ sufficient personnel to maintain a response effort of at least 14 days.
11. Each plan shall describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description shall include plans for alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered shall include:
- i. adverse weather;
 - ii. sea states, tides, winds and currents;
 - iii. presence of debris or other obstacles; and
 - iv. any other known environmental conditions that could restrict response efforts.
- ~~(D)~~ A list of the spill management personnel (company name if applicable) and their relevant qualifications including a discussion of spill response training and experience, regulatory awareness and compliance, and supervision.
- ~~(E)~~ Each plan shall describe procedures for the transport of required equipment, personnel and other resources to the spill site. The description shall include plans for alternative procedures during adverse environmental conditions. Adverse environmental conditions to be considered shall include:
- ~~1. adverse weather;~~
 - ~~2. sea states, tides, winds and currents;~~
 - ~~3. presence of debris or other obstacles; and~~
 - ~~4. any other known environmental conditions that could restrict response efforts.~~
- ~~(F)~~ D) Any equipment and personnel identified in the plan must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon

these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair. Major equipment is that which, if moved, would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.
2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.
3. A plan shall remain valid during the time that equipment has been removed from service for maintenance or repair ~~if the Administrator has approved such movement.~~

~~(GE)~~ Tank Vessels that carry Group 5 oils must contract with one or more Rated OSRO(s) provide information on response procedures and identify response equipment and resources to address the Response Planning Volumes. Such equipment shall include, but is not limited to the following:

1. sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;
2. containment boom, sorbent boom, silt curtains, or other methods to reduce spreading on the bottom;
3. dredges, pumps, or other equipment necessary to recover oil from the bottom;
4. equipment necessary to assess the impact of such discharges; and
5. any other appropriate equipment necessary to respond to a discharge involving a group 5 oil.

~~(6) On Water Response and Recovery Strategies~~

~~Utilizing the equipment that must be under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include:~~

~~(A) methods for on water containment and removal of oil in open water environments;~~

~~(B) methods for adapting on water containment and removal strategies in order to address the spill as it moves to the close to shore environment. This description shall include, where appropriate, methods for carrying out response operations and protection strategies in shallow water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis.~~

(C) The plan holder may propose the use of non-mechanical methods for response operations which may include dispersants, in-situ burning, coagulants, bioremediants, or other chemical agents ~~or non-mechanical methods for response operations~~. The use of any non-mechanical method for response must be done in accordance with provisions of the ~~State Marine~~ California Oil Spill Contingency Plan, the National Oil & Hazardous Substances Pollution Contingency Plan, the applicable Regional Area Contingency Plan, and all applicable State laws and regulations. If a non-mechanical method of response is proposed, the plan shall include:

1. methods of deployment or application;
2. for use of chemical agents, a description of the specific mechanisms in place to assess the environmental consequences of the chemical agent. This shall include the mechanism for continuous monitoring of environmental effects for the first three days after initial application, and periodic monitoring thereafter until the agent is inert or no longer operative;
3. identification of all permits, approvals or authorizations needed to allow the use of chemical agents or non-mechanical methods, and the timeline for obtaining them;
4. a plan for protecting resources at risk, areas of public concern and the public from any adverse effects of the ~~chemical agents~~ non-mechanical methods used;
5. the projected efficacy of each type of non-mechanical method proposed for use taking into account the type of spilled material and the projected environmental conditions of the potential spill site; and
6. upon request, the plan holder shall provide any test results known to the plan holder which assess the environmental impacts of applying these ~~agents~~ methods in the marine environment.

(D) The plan shall describe methods for tracking the movement of the discharged oil; and

(E) The plan shall include a list of locations of the weather stations to be used for observations of winds, currents and other data at the time of a spill that may assist in making real-time projections of spill movement.

(f) ~~Shoreline Protection and Clean-up~~

Each plan must provide for shoreline protection in the Geographic Response Plan Areas (GRA) or Geographic Regions the tank vessel may transit, and clean-up of all areas identified as potential spill sites in the Environmental Consequence Analysis. Each plan shall demonstrate through contracts(s) or other approved means, the response resources necessary to protect each type of shoreline and all applicable environmentally and culturally sensitive sites in the time frames required, as outlined in the appropriate SP Table (dated July 17, 2006), incorporated by reference herein. The Tables representing High Volume port areas (i.e., the San Francisco and Los Angeles/Long Beach Tables) will go into effect upon approval of this rulemaking; all other Tables will go into effect on September 1, 2007. The SP Tables shall be reviewed and updated as needed (e.g., to reflect updates to the ACPs, etc.). Updates to the SP Tables will be processed by OSPR staff using the procedures outlined in the Administrative Procedures Act, that the vessel

has access to all necessary equipment and services to address the Protection and Response Strategies appropriate to each shoreline that could potentially be impacted by a spill from the vessel.

(1) Percentages of Dedicated Shoreline Protection Resources

The following table lists the applicable percentage of dedicated shoreline protection boats and staff that are required for each Geographic Region:

<u>Geographic Region (also known as ACP Area)</u>	<u>% DEDICATED RESOURCES FOR SHORELINE PROTECTION</u>
<u>1</u>	<u>50% dedicated boats and staff</u>
<u>2</u>	<u>75% dedicated boats and staff</u>
<u>3</u>	<u>0% (non-dedicated boats and staff allowed)</u>
<u>4</u>	<u>0% (non-dedicated boats and staff allowed)</u> <u>*For Port Hueneme only, 75% dedicated boats and staff</u> <u>required</u>
<u>5</u>	<u>75% dedicated boats and staff</u>
<u>6</u>	<u>50% dedicated boats and staff</u>

(A) An owner/operator may propose alternatives to what is listed in the SP Tables for boats and staff only. The proposal may be tested by the Administrator anytime prior or subsequent to plan approval.

~~To determine the amount and type of shoreline protection and clean-up capability that must be under contract in each of these areas, each vessel owner/operator shall either: 1) demonstrate sufficient equipment and personnel to deploy and implement the shoreline protection strategies outlined in the appropriate ACP scenario(s), or; 2) calculate a Shoreline Response Planning Volume as outlined below:~~

~~(1) Reasonable Worst Case Spill~~

~~To calculate the planning volume, it is first necessary to determine the reasonable worst case spill for each vessel. The reasonable worst case spill is calculated as 25% of the vessel's total cargo capacity.~~

~~(2) Persistence and Emulsification Factors~~

~~(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors relative to the type of oil spill, are specified below:~~

<u>Oil Group</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
<u>Shoreline Volumes</u>	<u>———.10</u>	<u>———.30</u>	<u>———.50</u>	<u>———.70</u>

~~(B) Emulsification Factors~~

~~The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.~~

	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>	<u>Group 4</u>
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Oil Group				
Emulsification	1.0	1.8	2.0	1.4

(C) Total Shoreline Equipment Required

The total determined by this calculation is a Response Planning Volume.

1. ~~The Response Planning Volume to be used to determine the amount of Response Equipment and Services required that must be under contract shall be the greater of the amount determined in Subsections 818.02(f)(1)–(2) or the Adjusted Planning Volume calculated for On-Shore Recovery Volume for the Nearshore/Inland Environment in the vessel's federal response plan prepared pursuant to 33 CFR, Part 155, Appendix B.~~
2. ~~The calculations used to determine the Response Planning Volume shall be included in the plan.~~

(3) Shoreline Protection Equipment and Services

Each plan must identify, and ensure availability through a contract or other approved means (as defined in Section 815.05(b) of this subchapter), an oil spill response organization capable of effecting shoreline protection strategies. Such protection strategies must be commensurate with the Shoreline Response Planning Volume, calculated for potential shoreline impact, and must be capable of addressing all appropriate Protection, Response and Clean-Up Strategies. The specific areas where equipment and services must be available for use shall be identified in the Environmental Consequence Analysis.

- (A) ~~The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified.~~

The following information must be provided:

1. ~~the amounts of all protective booming, shallow draft vessels, and shoreline clean-up equipment necessary to address the specific types of shorelines that may be impacted;~~
2. ~~the location, inventory and ownership of the equipment to be used to fulfill the response requirements; and~~
3. ~~the procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.~~

- (AB) Each plan shall have under contract or other approved means sufficient personnel to implement the shoreline protection strategies in the time frames required from the appropriate SP Tables, who are to remain on scene until demobilized by the State Incident Command or the Unified Command. For planning purposes, this shall include procedures to obtain sufficient personnel to maintain a response effort of at least 14 days. ~~describe the personnel available to respond to an oil spill, including:~~

- ~~1. a list by job category including a job description for each type of spill response position needed as indicated in the spill response organization scheme;~~
- ~~2. a match between personnel, by job category and the equipment proposed for use (including equipment appropriate for shallow water environments), including the plan for mobilization of such personnel; and~~
- ~~3. sufficient personnel to maintain a response effort of at least 14 days.~~

~~(B)(C)~~ Any equipment and personnel identified to meet the ~~planning standard~~ contingency plan requirements must be available for response. Any necessary maintenance for the equipment, vacation periods for response personnel, or other eventuality must be taken into account in relying upon these resources.

1. The equipment owner must notify the Administrator when major equipment is removed from service for a period of 24 hours or more for maintenance or repair, if such movement would affect timely implementation of the plan. Notification must be made prior to removing equipment for regularly scheduled maintenance, and within 24 hours of removing equipment for unscheduled repairs.
2. The equipment owner must demonstrate that backup equipment is available during the time that the primary response equipment is out of service. Backup equipment may be provided from the owner's own inventory, or may be made available from another responder.
3. A plan shall remain valid during the time that equipment has been removed from services for maintenance or repair if the Administrator has not disapproved such removal within 24 hours of notification.
4. The equipment owner shall notify the Administrator when the major equipment is back in service.

~~(4) Shoreline Protection Capability Standards~~

~~(A) Each plan must provide sufficient diversionary and protective boom and any other shoreline protection equipment. The amount of such equipment may be determined from information provided in the applicable Area Contingency Plan, and shall be available as follows:~~

- ~~1. within 30 minutes after notification, the equipment must be available for immediate delivery and deployment; and~~
- ~~2. the equipment must be available to protect the environmental, economic or culturally sensitive shoreline areas identified by the Environmental Consequence Analysis. To protect these sites, the equipment must be capable of being deployed and operable in 2 hours or, if determined, by the times established by the trajectory analysis conducted pursuant to Section 818.02(d)(2)(A)(1) as part of the Environmental Consequence Analysis.~~

~~(B) As part of the Coastal Protection Review, the Administrator may also use information provided in the vessel's federal response plan to determine whether there is sufficient~~

~~shoreline protection capability in each Geographic Region.~~

(52) Shoreline Protection and Clean-Up Strategies

~~(A) Utilizing the equipment that must be under contract, each~~ Each plan shall describe methods to ~~contain clean up~~ spilled oil and remove it from the environment. ~~The owner/operator shall have a contract or other approved means to provide the appropriate shoreline clean up services.~~ The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate to implement all the applicable strategies, and appropriate for use on the type of oil identified. ~~The description shall include:~~ The following information must be provided:

- ~~1. all shoreline protection procedures and oil diversion and pooling procedures for the close to shore environment. These procedures shall include, where appropriate, methods for carrying out response operations and clean up strategies in shallow water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis;~~
- ~~21.~~ methods for shoreside clean-up, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types; and
- ~~32.~~ measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

~~(B) Protection, response and clean up strategies will be specific to the type of oil spilled, and the expected spill impact sites as identified in the Environmental Consequence Analysis, and the resources at risk at those spill sites.~~

~~(C) Each plan must utilize all the strategies appropriate to the potential impact sites.~~

(g) Response Procedures

(1) Each plan shall describe the organization of the tank vessel's spill response system and management team. An organizational diagram depicting the chain of command shall also be included. Additionally, the plan shall describe the method to be used to integrate the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192(p)(8)(D)(2) (q)(3)(A).

(A) The plan holder may utilize the procedures outlined in the appropriate Area Contingency Plan when describing how the tank vessel's chain of command will interface with the State Incident Command System which utilizes the Unified Command.

(B) Each plan shall describe the organization of the plan holder's public information office, as it relates to an oil spill incident, and the method by which the Information Officer will be integrated into the State Incident Command System.

- (C) Each plan shall describe the plan holder's safety program, as it relates to an oil spill incident, and the method by which their Safety Officer will be integrated into the State Incident Command System.
- (2) Each plan shall identify potential ~~describe the process to establish~~ sites needed for spill response operations including location(s) ~~or location criteria~~ for:
 - (A) a central command post sufficient to accommodate the State Incident Command or Unified Command as well as the plan holder's response organization;
 - (B) a central communications post if located away from the command post; and
 - (C) equipment and personnel staging areas.
- (3) Each plan shall include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of clean-up. The checklist, flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.
- (4) Each plan shall describe how the owner/operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:
 - (A) procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;
 - (B) procedures for emergency medical treatment and first aid; and,
 - (C) procedures to provide the required personnel protective gear for responders.
- (5) Each plan shall describe equipment and procedures to be used by tank vessel personnel to minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.
- (6) Each plan shall detail the lines of communications between the responsible party, the Qualified Individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:
 - (A) communication procedures;
 - (B) the communication function (e.g., ground-to-air) assigned to each channel or frequency used;
 - (C) the maximum broadcast range for each channel or frequency used; and
 - (D) redundant and back-up systems.
- (7) Each plan shall provide for post-spill review, including methods to review both the effectiveness of the plan and the need for plan amendments.
 - (A) The result of the review shall be forwarded to the Administrator within 90 days following the completion of response and clean-up procedures.

- (B) The review shall be used by the Administrator only for the purposes of proposing future amendments to the contingency plan.
- (8) Each plan shall describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.
- (9) Prior to beginning oil spill response operations and clean-up activities, a Site Safety Plan must be completed. Each plan shall include information as required pursuant to Title 8, Section 5192(b)(4)(B) of the California Code of Regulations including, but not limited to, a written respiratory protection program, written personal protection equipment program, written health and safety training program, written confined space program and permit forms, direct reading instrument calibration logs, and written exposure monitoring program.
- (h) Notification Procedures
- (1) Each plan shall include a list of contacts to call in the event of a drill, threatened discharge of oil, ~~or~~ discharge of oil in any amount, or any other reporting requirement as established in the California Oil Spill Contingency Plan. The plan shall:
- (A) identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The individual making this notification must be fluent in English. The following information must be provided:
1. the individual or office to be contacted;
 2. telephone number or other means of contact for any time of the day; and
 3. an alternate contact in the event the individual is unavailable.
- (B) detail the procedures for reporting oil spills to all appropriate local, state and federal agencies within each of the six Geographic Regions that the tank vessel transits;
- (C) establish a clear order of priority for notification.
- (2) Immediate Notification
- Nothing in this section shall be construed as requiring notification before response.
- (A) Each plan shall include a procedure for contacting the ~~primary~~ OSRO in each of the six Geographic Regions that the tank vessel transits immediately, but no longer than after within 30 minutes, after ~~of~~ the discovery of a discharge of oil or threatened discharge of oil.
- (B) Each plan shall include a procedure that ensures that the owner/operator or his/her designee will initiate contact with the Qualified Individual, the California Governor's Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a discharge of oil or threatened discharge of oil.

- (C) Each plan shall include all phone numbers necessary to complete the immediate notification procedures.
- (3) Each plan shall identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner/operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.
- (4) Each plan shall provide a checklist of the information to be reported in the notification procedures, including but not limited to:
- (A) tank vessel name, country of registry, call sign, and official number;
 - (B) location of the incident;
 - (C) date and time of the incident;
 - (D) course, speed and intended track of the tank vessel;
 - (E) the nature of the incident;
 - (F) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;
 - (G) the type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;
 - (H) the size and appearance of the slick;
 - (I) prevailing weather and sea conditions;
 - (J) actions taken or planned by personnel on scene;
 - (K) current condition of the tank vessel;
 - (L) injuries and fatalities; and
 - (M) any other information as appropriate.
- (5) Reporting of a spill as required by Section 818.02(h)(2) shall not be delayed solely to gather all the information required by Subsection 818.02(h)(4). ~~If the required information is not available, the plan shall specify how the information will be obtained.~~
- (6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage shall be reported to the California Governor's Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander and/or the Federal On-Scene Coordinator through the Unified Command shall have the option of increasing or decreasing this timeframe, as needed. Updated spill volume information included in the Incident Action Plan developed through the Unified Command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management:

- (1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, and identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage shall be no less than two times the calculated Response Planning Volume up to the Daily Recovery Rate as determined in Subsection 818.02(e)(3)(B).

(A) To meet the temporary storage requirement described in Subsection (1) above, the following amounts of storage shall be dedicated response resources (as defined in Section 815.05(c) of this subchapter) or OSRO-owned and controlled response resources (as defined in Section 815.05(k) of this subchapter), as applicable to the appropriate risk zone:

Sufficient storage to support the skimming systems shall be brought to the scene of the spill during the first four hours of response:

520 barrels of storage, or 20% of the ~~reasonable worst case oil spill~~ response planning volume, whichever is less, shall be brought to the scene of the spill within four hours of notification of a spill;

12,000 barrels, or two times the ~~reasonable worst case oil spill~~ response planning volume, whichever is less, shall be available at the scene of the spill within 6 hours of notification of a spill.

The balance of the temporary storage requirement described in Subsection (1) above, may be provided by non-dedicated storage resources. All skimming systems operating at the scene of a spill shall have adequate storage.

- (2) Each plan shall identify the party that shall maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.
- (3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including known available sites.
- (4) Each plan shall identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all wastes likely to result from an oil spill.
- (5) Each plan shall include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(j) Oiled Wildlife Care Requirements

Each plan shall describe how oiled wildlife care will be provided by one of the following approved means:

- (1) Utilize the California Oiled Wildlife Care Network (OWCN) to meet oiled wildlife care requirements: or

- (2) describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each Geographic Area covered by the plan. Standards and written protocols for wildlife care must comply with all applicable State and federal laws.

(k) Training

- (1) Each plan shall provide that all appropriate personnel directly responsible to the owner/operator shall receive training in the use and operation of oil spill response and clean-up equipment. The plan shall describe:
 - (A) the type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;
 - (B) the procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.
- (2) Each plan shall describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shall include if applicable, the following:
 - (A) the means of achieving any established training objectives, such as:
 1. training programs for each position involved with the various aspects of the operation that could result in a spill (e.g., position responsible for tank vessel inspections or transfers);
 2. a training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;
 - (B) licenses, certifications or other prerequisites to hold particular jobs.
- (3) Each plan shall provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.
- (4) The tank vessel owner/operator shall ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(l) Drills and Exercises —~~Type and Frequency~~

- (1) Each plan shall describe the tank vessel's drill and exercise program that meets the requirements of Section 820.01(a), to ensure that the elements of the plan will function in an emergency. ~~A vessel owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency. Each plan shall describe the vessel's drill and exercise program including how the plan assures shoreline protection strategies (for all environmentally sensitive sites identified as potentially impacted in the vessel's Environmental Consequence Analysis) will be exercised, as outlined in Section 820.01(f) of this subdivision. The following are the necessary drill~~

~~and exercise frequencies for all vessels, as consistent with the National Preparedness for Response Exercise Program (PREP):~~

~~(A) manned vessel onboard emergency procedures and Qualified Individual notification drills shall be conducted quarterly;~~

~~(B) unmanned barge emergency procedures and Qualified Individual notification drills shall be conducted quarterly;~~

~~(C) a shore based spill management team tabletop exercise shall be conducted annually;~~

~~(D) oil spill response organization field equipment deployment exercises shall be conducted at least once every three years.~~

- (2) Training sessions may constitute creditable drills and exercises if all requirements of Subsections 820.01(a) through (f) are met. Onboard emergency procedure drills conducted aboard the tank vessel and properly logged may be credited.
- (3) Drills shall be designed by the vessel owner/operator to exercise either individual components of the plan or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.
- ~~(4) The vessel owner/operator shall maintain adequate records of drills and exercises, for a period of at least three years, to include the following:~~

~~(A) all drills and exercises conducted aboard the vessel shall be documented in the ship's log;~~

~~(B) records of any off vessel drills and exercises of the response organization and resources identified in the contingency plan shall be maintained at the United States location of either the Qualified Individual or the vessel owner/operator. Contingency plans should indicate the location of these records.~~

~~Note: Evaluation and credit criteria for drills and exercises are described in Section 820.01 of this subchapter.~~

(m) Salvage Equipment and Tank Vessel Emergency Services:

(1) Notification Requirements:

Any party responsible for a tank vessel as defined in this subdivision shall notify the U.S. Coast Guard within one hour of a disability if the disabled vessel is within 12 miles of the shore of the state, pursuant to the requirements of Government Code Section 8670.20(b).

(2) ~~Salvage~~ Equipment and Services:

~~The following provisions will become effective July 1, 2000, unless repealed. The equipment and service provisions shall be repealed if comparable salvage requirements are implemented through the ACP planning process and submitted to the Administrator for review and approval, prior to July 1, 2000. The Administrator can extend the implementation date of this section for 120 days if implementation of any of the ACP's~~

~~is delayed and it appears that such an extension would serve the intent of this subsection.~~

Salvage Tank vessel emergency services means all services rendered to save a vessel and cargo from any marine peril that could reasonably be expected to cause a discharge of oil into the marine waters of the state, and includes those actions necessary to control or stabilize the vessel or cargo.

- (A) All tank vessels required to have a contingency plan pursuant to Section 818.01(a) must demonstrate sufficient ~~salvage tank vessel emergency service~~ capability as outlined in this section;
- (B) Availability of the following ~~salvage~~ equipment and services shall be demonstrated by sufficient in-house capability or a signed, valid contract or other approved means with a vessel emergency services provider, or by other means approved by the Administrator ~~salvage company or program~~. For the purpose of this subsection, a plan holder can demonstrate the availability of equipment and services, in lieu of a signed, valid contract or sufficient in-house capability, by a Letter of Intent or a Conditional Agreement, signed by the entity providing such services and attesting to the availability of the equipment and services required as specified in this Section (m). Any service provider company or program secured by contract must have the appropriate expertise, and all required equipment ready and available to respond within in the following timeframes specified in this section. ~~Timeframes are determined from the time the Coast Guard is notified that the vessel is disabled;~~
1. within 12 hours of notification of the U.S. Coast Guard;
 - (i.) ~~a support an emergency services~~ vessel of the appropriate size, configuration, and operating capability to ensure stabilization of a disabled vessel shall be on scene. The ~~support emergency services~~ vessel must be capable of reaching the disabled vessel before the disabled vessel would run aground. In determining the time it would take for a vessel to run aground, an estimate shall be made based on the drift rate in the worst case weather assuming the complete loss of power and/or steering ~~steerage~~;
 - (ii.) a professional salvor ~~or salvage supervisor who shall be familiar with the capabilities of the salvage company, and the salvage,~~ naval architect or other qualified person knowledgeable of stability, and hull stress assessments of the vessel shall be engaged in tank vessel emergency operations. These assessments shall be developed pursuant to the shipboard spill mitigation procedures as set forth in 33 CFR, Part 155.1035(c)). ~~A professional salvor or salvage supervisor is someone who has the appropriate training and/or experience necessary to supervise any salvage operation appropriate for the vessel being serviced;~~
 - (iii.) a private ~~vessel~~ firefighting capability that will respond to casualties in the area(s) in which the vessel will operate. This capability shall be a supplement to the firefighting capability on board the vessel;
 - (iv) ~~necessary equipment to address the~~ vessel emergency services provider must be capable of performing emergency lightering operations, including: and must have the following equipment on-scene: fendering equipment;

transfer hoses and connection equipment; portable pumps; and any ancillary equipment necessary to off-load the volume of the tank vessel's largest cargo tank in 24 hours of continuous operation;

(v.) dewatering pumps, hoses, and power supplies sufficient to maintain vessel stability and prevent sinking shall be on scene.

(2) within 18 hours of notification of the U.S. Coast Guard, and to the extent necessary to avoid a pollution incident, the following must be on scene:

(i) resources for shoring, patching or making other emergency, temporary repairs to correct structural, stability, or mechanical problems on the vessel;

(ii) equipment necessary to tow an incapacitated vessel to a safe haven.

~~(C) The following salvage equipment and services shall be made available within 48 hours of notifying the Coast Guard, to the extent necessary to avoid a pollution incident;~~

~~(1) harbor clearance capability;~~

~~(2) deep water search and recovery capability;~~

~~(3) equipment necessary to refloat a vessel from a stranding;~~

~~(4) wreck removal capability.~~

Note: Authority cited: Sections 8670.7, 8670.10, ~~and~~ 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.7, 8670.10, 8670.20, 8670.25.5, 8670.27, 8670.28, 8670.30, 8670.31, and 8670.37.51, Government Code.